

Senate, and A. W. Holt, Sergeant-at-Arms of the Senate, appeared at the bar of the House and, being admitted, were escorted to seats in the Hall.

Lieutenant Governor Edgar Witt occupied a seat on the Speaker's stand.

Speaker Stevenson called the House of Representatives to order, and stated that the two Houses were in Joint Session for the purpose of hearing addresses by the members of the Texas Relief Commission in regard to the relief work being done in Texas.

The Senate was called to order by Lieutenant Governor Edgar E. Witt.

The following were introduced and addressed the Joint Session:

Hon. W. A. Brooks, Jr., of Dallas, Texas, a member of the Texas Relief Commission.

Hon. Ed. Hussion, of Houston, a member of the Texas Relief Commission.

Hon. Lawrence Westbrook, former director of the relief work in Texas.

Hon. Jack Reed, Secretary of the Texas Relief Commission.

SENATE RETIRES

At 4:10 o'clock p. m., at the conclusion of the Joint Session, the Senate retired to its Chamber.

ADJOURNMENT

Mr. Anderson moved that the House adjourn until 10 o'clock a. m., tomorrow.

Mr. Moore moved that the House adjourn until 10 o'clock a. m., next Monday.

The motion of Mr. Anderson prevailed, and the House, accordingly, at 4:15 o'clock p. m., adjourned until 10 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The Committee on Highways and Motor Traffic filed favorable reports on House Bills Nos. 11 and 12.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, February 1, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 8, Providing for a Joint Session of the House and Senate to hear the reports to be made by Jack Reed and Col. Lawrence Westbrook,

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

FIFTH DAY

(Friday, February 2, 1934)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Hankamer.
Adamson.	Harris.
Aikin.	Hartzog.
Alexander.	Head.
Alsup.	Hester.
Anderson.	Hicks.
Atchison.	Hill.
Baker.	Hodges.
Barrett.	Holekamp.
Barron.	Holland.
Beck.	Holloway.
Bedford.	Hoskins.
Bergman.	Huddleston.
Bourne.	Hughes.
Bradley.	Hunt.
Burns.	Hunter.
Butler.	Hyder.
Camp.	Jackson.
Canon.	James.
Cathey.	Jefferson.
Caven.	Johnson
Celaya.	of Anderson.
Chastain.	Jones of Runnels.
Clayton.	Jones of Shelby.
Colson.	Kayton.
Cowley.	Kyle of Hays.
Crossley.	Kyle of Palo Pinto.
Daniel.	Laird.
Davidson.	Lange.
Dean.	Latham.
Devall.	Lemens.
Dunlap.	Leonard.
Dunagan.	Lindsey.
Dwyer.	Long.
Engelhard.	Mackay.
Fain.	Magee.
Fisher.	Mathis.
Ford.	McCullough.
Fuchs.	McGregor.
Glass.	McKee.
Golson.	Merritt.
Good.	Metcalf.
Goodman.	Mitcham.
Graves.	Moffett.
Greathouse.	Moore.
Griffith.	Morrison.

Morse.	Scott.
Munson.	Shannon.
Nicholson.	Shults.
Palmer.	Smith.
Parkhouse.	Stanfield.
Patterson.	Steward.
Pavlica.	Stinson.
Pope.	Stovall.
Puryear.	Tarwater.
Ramsey.	Tennyson.
Ratliff.	Thomas.
Ray.	Tillery.
Reed of Bowie.	Townsend.
Reed of Dallas.	Turlington.
Renfro.	Van Zandt.
Riddle.	Vaughan.
Roark.	Wagstaff.
Roberts.	Walker.
Rogers of Hunt.	Weinert.
Rogers	Wells.
of Ochiltree.	Winningham.
Rollins.	Wood.
Russell.	Young.
Scarborough.	

Absent

Coombes.	Harman.
Duvall.	

Absent—Excused

Calvert.	Lotief.
Harrison.	McDougald.
Johnson	Reader.
of Dimmit.	Savage.
Jones of Atascosa.	Stubbeman.

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Nicholson was granted leave of absence for Monday, Tuesday and Wednesday of this week, on motion of Mr. Celaya.

Mr. Hester for today, on motion of Mr. Dunagan.

Mr. Lotief for today, on motion of Mr. Burns.

Mr. Reader for today, on motion of Mr. Kayton.

Mr. Jones of Atascosa for today, on motion of Mr. Townsend.

Mr. Calvert for today, on motion of Mr. Cowley.

Mr. Savage for today, on motion of Mr. Shannon.

Mr. McDougald for today, on motion of Mr. Parkhouse.

Mr. Harrison for today, on motion of Mr. Barron.

HOUSE BILL ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Townsend and Mr. Jones of Atascosa:

H. B. No. 14, A bill to be entitled "An Act to amend Article 5395, of Chapter 5, of Title 86, of the Revised Civil Statutes of Texas, 1925, relating to the time of payment of rentals on mining claims awarded under Article 5394, of Chapter 5, of Title 86, of the Revised Civil Statutes of Texas, 1925; suspending for a period of one year from the effective date of this Act all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Public Lands and Buildings.

TO GRANT W. F. SEWELL AND WIFE PERMISSION TO SUE THE STATE

Mr. Wells offered the following resolution:

H. C. R. No. 5, To grant permission to sue the State.

Whereas, The State of Texas constructed what is known as State Highway No. 32 and Federal Highway No. 75, which runs between the town of Angus and the town of Richland in Navarro County, Texas, and to the west of the property of W. F. Sewell and wife and J. C. Lewis; and

Whereas, They claim that their property and crops have been damaged by virtue of overflows during the years 1931, 1932 and 1933, the property of said plaintiffs being 57 acres of land out of the Upper John White survey in Navarro County; and

Whereas, The said State Highway Commission contends that suit cannot be maintained against the said State Highway Commission without the permission of the Legislature of the State of Texas; and

Whereas, The Legislature of the State of Texas does not admit that the said plaintiffs in said suit have a valid or just claim against the State Highway Commission for compensation against their property for

damages to their crops for the years 1932, 1933 and 1934; and

Whereas, It is the sense of this Legislature that no citizens of this State, who have a valid or just claim against the State Highway Commission or the State of Texas, shall be deprived of their opportunity to establish or enforce such claim by reason of any constitutional inhibition; and

Whereas, Suit has been brought in the District Court of Navarro County, Texas, the original petition having been filed on September 12, 1931, and service having been had; and whereas amended petitions have been filed, including damages to said property and crops for the years 1931, 1932 and 1933; and

Whereas, Said W. F. Sewell and his wife, Mrs. Irma Sewell, and J. C. Lewis have never been compensated for the damages to their property and crops; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That W. F. Sewell and wife, Mrs. Irma Sewell, and J. C. Lewis, be and they are hereby granted permission to bring and continue said suit for their damages to their property and crops for said years above mentioned against the State Highway Commission and the State of Texas, in the District Court of Navarro County, Texas, in order to determine compensation for damages received, if any they can show, and that service of citation or other necessary process may be had upon the said State Highway Commission and the Attorney General with the same force and effect as in civil cases.

This permission to continue said suit is in addition to House Concurrent Resolution No. 61, as adopted by the House of Representatives, on April 29, 1933, and by the Senate on May 18, 1933.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on State Affairs.

TO GRANT E. A. ELIOT AND WIFE PERMISSION TO SUE THE STATE

Mr. Wells offered the following resolution:

H. C. R. No. 6, To grant E. A. Eliot and wife permission to sue the State.

Whereas, The State of Texas constructed what is known as State Highway No. 32 and Federal Highway No. 75, which runs between the town of Angus and the town of Richland in Navarro County, Texas, and to the west of the property of E. A. Eliot and wife; and

Whereas, They claim that their property and crops have been damaged by virtue of overflows during the years 1931, 1932 and 1933, the property of said plaintiffs being 96 acres of land out of the Upper John White survey in Navarro County;

Whereas, The said State Highway Commission contends that suit cannot be maintained against the said State Highway Commission without the permission of the Legislature of the State of Texas; and

Whereas, The Legislature of the State of Texas does not admit that the said plaintiffs in said suit have a valid or just claim against the State Highway Commission for compensation against their property for damages to their crops for the years 1932, 1933 and 1934; and

Whereas, It is the sense of this Legislature that no citizens of this State, who have a valid or just claim against the State Highway Commission or the State of Texas, shall be deprived of their opportunity to establish or enforce such claim by reason of any constitutional inhibition; and

Whereas, Suit has been brought in the District Court of Navarro County, Texas, the original petition having been filed on September 12, 1931, and service having been had; and

Whereas, Amended petitions have been filed, including damages to said property and crops for the years 1931, 1932 and 1933; and

Whereas, Said E. A. Eliot and his wife, Mrs. Hattie Eliot, have never been compensated for the damages to their property and crops; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That E. A. Eliot and wife, Mrs. Hattie Eliot, be and they are hereby granted permission to bring and continue said suit for their damages to their property and crops for said years above mentioned against the State Highway Commission and the State of Texas, in the District Court of Navarro County, Texas, in order to determine compensation for damages received, if any they can show,

and that service of citation or other necessary process may be had upon the said State Highway Commission and the Attorney General with the same force and effect as in civil cases.

This permission to continue said suit is in addition to House Concurrent Resolution No. 62, as adopted by the House of Representatives, on April 29, 1933, and by the Senate on May 18, 1933.

The resolution was read second time.

On motion of Mr. Wells, the resolution was referred to the Committee on State Affairs.

PROVIDING FOR A PORTRAIT OF HON. JOHN NANCE GARNER

Mr. Kayton offered the following resolution:

Whereas, A former Member of the House of Representatives of the Texas Legislature has been elevated to the second highest position of honor and trust in this Nation; and

Whereas, The Honorable John Nance Garner, Vice-President of the United States of America, began his political career in this assemblage and this House, serving in the Twentieth, Twenty-seventh, and Twenty-eighth Legislatures; and

Whereas, It is fitting and proper that we preserve to posterity our pride in the achievements of our former colleague; therefore, be it

Resolved, That the Speaker of the House appoint a committee of three to secure, if possible, a suitable portrait of John Nance Garner, and have same properly displayed under the supervision of the Board of Control in the Capitol; and be it further

Resolved, That a sum of \$500, or as much thereof as may be necessary, is hereby appropriated from the Contingent Expense Fund of the Forty-third Legislature.

The resolution was read second time, and was adopted.

REASON FOR VOTE

I voted "nay" on House Simple Resolution because I do not think the State should spend money at this time for portraits, as there is plenty of time to honor Vice-President Garner in the future and when the State has more money in the Treasury.

LINDSEY.

REQUESTING CONGRESS TO SUPPORT CERTAIN MEAS- URE

Mr. Bradley offered the following resolution:

H. C. R. No. 7, Requesting Congress to support certain measure.

Whereas, It is generally recognized that under recent authorization of the Congress of the United States, action has been taken by the Veterans' Administration which has resulted in hardship and injustice to many of the veterans of the World War because certain rules have been applied by the Veterans' Administration in a manner that does not adequately meet the moral responsibilities of the Government of the United States to men who had sacrificed their health or had become crippled in the services of our country; and

Whereas, Such injustice has been admitted on the part of the Government by rectifying some of the mistakes that it made in particular cases where disabled veterans had been ruthlessly cut off, although there are yet many meritorious cases that are not being adequately cared for by the Veterans' Administration under present legislation; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the twenty-one Congressmen representing the State of Texas in the Congress of the United States, be and are hereby requested to support the four-point program of the American Legion; and be it further

Resolved, That copies of this resolution be sent to each of said Congressmen representing the State of Texas.

The resolution was read second time.

Mr. Bradley moved that the resolution be referred to the Committee on State Affairs.

Mr. Van Zandt moved, as a substitute motion, that the resolution be referred to the Committee on Military Affairs.

The substitute motion was adopted. The motion as substituted was then adopted.

EXTENDING VOTE OF THANKS TO TEXAS CONGRESSMEN

Mr. Kayton offered the following resolution:

H. C. R. No. 10, Extending vote of thanks to Texas Congressmen.

Whereas, The Ways and Means Committee of the House of Representatives of the Congress of the United States, gave an unfavorable report to the suggestion of the Treasury that separate income tax returns for husband and wife be prohibited in spite of the fact that in certain States, notably Texas, constitutional provisions give to married women definite control of their separate property; and

Whereas, In Texas we are proud of the fact that women's rights, both as regards suffrage and property, has been recognized in our State Constitution, defined in our laws, and jealously safeguarded and protected by our public servants; and

Whereas, It is eminently proper that Congress should not override the Constitution of the State of Texas, and should not deprive the women of their property rights on a suggestion of the Treasury Department; and

Whereas, The defeat of this proposal was accomplished chiefly by the fervid activity of two Senators and twenty-one Congressmen from Texas; therefore, be it

Resolved, That the House of Representatives of the Texas Legislature commend the activities of the entire Texas Congressional delegation in Washington, and extend to them on behalf of the women and the men of Texas a vote of thanks for their successful protection of the rights of Texans.

The resolution was read second time.

Mr. Vaughan moved that the names of all the Members of the House be added to the resolution as signers thereof, except those Members who desire that their names be not added.

Signed—Kayton, Adamson, Aikin, Alexander, Alsup, Baker, Barrett, Bedford, Bradley, Burns, Butler, Canon, Caven, Celaya, Chastain, Clayton, Colson, Cowley, Daniel, Davidson, Dean, Devall, Fain, Fisher, Ford, Fuchs, Class, Golson, Goodman, Greathouse, Griffith, Hankamer, Head, Hodges, Huddleston, Hunt, Hunter, Jackson, James, Jefferson, Johnson of Anderson, Jones of Runnels, Jones of Shelby, Kyle of Palo Pinto, Kyle of Hays, Laird, Latham, Lindsey, Long, Moffett, Moore, Morrison, Morse, Munson, Nicholson, Palmer, Parkhouse, Pat-

terson, Pavlica, Pope, Puryear, Ramsey, Ratliff, Ray, Reed of Bowie, Reed of Dallas, Riddle, Roark, Roberts, Shannon, Shults, Smith, Stanfield, Steward, Stinson, Stovall, Tennyson, Thomas, Tillery, Townsend, Turlington, Van Zandt, Vaughan, Wagstaff, Walker, Winningham, Wood.

Question recurring on the motion of Mr. Vaughan, it prevailed.

(Pending consideration of the resolution, Mr. McKee occupied the Chair temporarily.)

(Speaker in the Chair.)

The resolution was adopted by the following vote:

Yeas—88

Adamson.	Kyle of Hays.
Aikin.	Kyle of Palo Pinto.
Alexander.	Laird.
Alsup.	Latham.
Anderson.	Lindsey.
Baker.	Long.
Barrett.	Moffett.
Bedford.	Moore.
Bradley.	Morrison.
Burns.	Morse.
Butler.	Munson.
Canon.	Nicholson.
Caven.	Palmer.
Celaya.	Parkhouse.
Chastain.	Patterson.
Clayton.	Pavlica.
Colson.	Pope.
Cowley.	Puryear.
Daniel.	Ramsey.
Davidson.	Ratliff.
Dean.	Ray.
Devall.	Reed of Bowie.
Fain.	Reed of Dallas.
Fisher.	Riddle.
Ford.	Roark.
Fuchs.	Roberts.
Glass.	Shannon.
Golson.	Shults.
Goodman.	Smith.
Greathouse.	Stanfield.
Griffith.	Steward.
Hankamer.	Stinson.
Head.	Stovall.
Hodges.	Tennyson.
Huddleston.	Thomas.
Hunt.	Tillery.
Hunter.	Townsend.
Jackson.	Turlington.
James.	Van Zandt.
Jefferson.	Vaughan.
Johnson.	Wagstaff.
of Anderson.	Walker.
Jones of Runnels.	Winningham.
Jones of Shelby.	Wood.
Kayton.	

Nays—21

Atchison.	Mackay.
Barron.	Magee.
Bourne.	McCullough.
Cathey.	Merritt.
Crossley.	Metcalfe.
Good.	Mitcham.
Graves.	Rogers
Hicks.	of Ochiltree.
Hoskins.	Russell.
Hughes.	Scarborough.
Hyder.	Tarwater.

Present—Not Voting

Scott.	Young.
Holekamp.	

Absent

Beck.	Holland.
Bergman.	Holloway.
Camp.	Lange.
Coombes.	Lemens.
Dunlap.	Leonard.
Dunagan.	Mathis.
Duvall.	McGregor.
Dwyer.	McKee.
Engelhard.	Renfro.
Harman.	Rogers of Hunt.
Harris.	Rollins.
Hartzog.	Weinert.
Hill.	Wells.

Absent—Excused

Calvert.	Lotief.
Harrison.	McDougald.
Hester.	Reader.
Johnson	Savage.
of Dimmit.	Stubbeman.
Jones of Atascosa.	

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 4

Mr. Pope submitted the following conference committee report on House Bill No. 4:

Committee Room,
Austin, Texas, February 2, 1934.

Hon. Edgar E. Witt, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the two Houses on House Bill No. 4, have had the same under consideration, and we recommend that said bill be passed in the form as attached hereto.

"H. B. No. 4

A BILL

To Be Entitled

An Act to stay all sales under execution, or order of sale or under

any deed of trust, mortgage or other contract giving or granting any power of sale of real property for debt now advertised to be made on February 6, 1934, until the first Tuesday in March, 1934; providing that no other or further advertisement or notice of any such sale than that lawfully given for sale on February 6, 1934, shall be required for such sale on the first Tuesday in March, 1934; providing the lien sought to be foreclosed was not procured for the purpose of securing in part or whole any indebtedness for money or property procured by misrepresentation, fraud, defalcation or embezzlement; providing the period for making return on any such execution or order of sale is extended for such period as may be necessary for officer to make return, but such extension shall not extend beyond April 1, 1934; providing for sales by agreements between the record owner of the real estate and the holder of the indebtedness or trustee or person making such sale, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That all sales under any execution or order of sale issued out of any court of this State and all sales under any deed of trust, mortgage or other contract giving or granting any power of sale of real property for debt now advertised to be made on February 6, 1934, is hereby stayed and postponed until the first Tuesday of March, 1934; that no other or further advertisement or notice of any such sale than such as may have been lawfully published or given for sale on February 6, 1934, shall be required for sale under such execution, order of sale or such deed of trust, mortgage or other contract on the first Tuesday in March, 1934. Any and all sales under execution, order of sale or under any deed of trust, mortgage or other contract giving or granting any power of sale of real property for debt, made prior to the first Tuesday in March, 1934, and subsequent to the effective date of this Act shall be and the same is hereby declared void. Provided that the lien sought to be foreclosed was not procured or obtained for the purpose of securing in part or whole any indebtedness for money or property procured by misrepresentation.

sentation, fraud, defalcation or embezzlement. Provided further that if the record owner of such real estate and the holder of such indebtedness agree in writing that such sale shall be made on February 6, 1934, such sale shall be valid and binding. In all such cases the agreement shall be signed by the trustee or other person making such sale and by the record owner of such real estate and shall be acknowledged and filed for record with the trustee's deed.

Sec. 2. That the period within which return is required to be made under any such execution or order of sale shall be, and the same is hereby extended for such period as may be necessary to enable the officer making such sale to make due return thereof but such extension shall not extend beyond the first Tuesday in April, 1934.

Sec. 3. That any and all statutes of limitations be, and the same are hereby, suspended during the effective period of this Act.

Sec. 4. The importance of this legislation, together with the crowded condition of the calendar and the near approach of the end of the session, create an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each House, be suspended, and the same is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

REDDITT,
SMALL,
POAGE,
WOODWARD,

On the part of the Senate;

POPE,
GREATHOUSE,
MORRISON,
ROBERTS,
STINSON,

On the part of the House.

Mr. Pope moved that the report be adopted.

Mr. Crossley moved that further consideration of the report be postponed at this time, and that the report be printed in mimeograph form, and placed on the desks of the Members.

Mr. Greathouse moved to table the motion of Mr. Crossley.

The motion to table prevailed.

Question recurring on the motion of Mr. Pope, that the report be adopted, it prevailed by the following vote:

Yeas—119

Adamson.	Laird.
Aikin.	Lange.
Alexander.	Latham.
Alsup.	Leonard.
Anderson.	Lindsey.
Atchison.	Long.
Baker.	Magee.
Barrett.	Mathis.
Barron.	McCullough.
Beck.	McGregor.
Bergman.	McKee.
Bourne.	Merritt.
Bradley.	Metclafe.
Burns.	Moffett.
Butler.	Moore.
Camp.	Morrison.
Canon.	Morse.
Cathey.	Nicholson.
Caven.	Palmer.
Celaya.	Parkhouse.
Chastain.	Patterson.
Clayton.	Pavlica.
Colson.	Pope.
Cowley.	Puryear.
Daniel.	Ramsey.
Davidson.	Ratliff.
Dean.	Ray.
Devall.	Reed of Bowie.
Dwyer.	Reed of Dallas.
Engelhard.	Renfro.
Fain.	Riddle.
Fisher.	Roark.
Glass.	Roberts.
Golson.	Rogers of Hunt.
Good.	Rollins.
Goodman.	Russell.
Graves.	Scarborough.
Greathouse.	Scott.
Griffith.	Shannon.
Hankamer.	Shults.
Hartzog.	Smith.
Head.	Stanfield.
Hester.	Steward.
Hicks.	Stinson.
Hill.	Stovall.
Hodges.	Tarwater.
Holekamp.	Tennyson.
Holland.	Thomas.
Hoskins.	Tillery.
Huddleston.	Townsend.
Hughes.	Turlington.
Hunt.	Van Zandt.
Hunter.	Wagstaff.
Hyder.	Walker.
Jackson.	Weinert.
James.	Wells.
Jefferson.	Winningham.
Jones of Shelby.	Wood.
Kayton.	Young.
Kyle of Palo Pinto.	

Nays—6

Bedford. Jones of Runnels.
Crossley. Kyle of Hays.
Ford. Munson.

Absent

Coombes. Johnson
Dunlap. of Anderson.
Dunagan. Lemens.
Duvall. Mackay.
Fuchs. Mitcham.
Harman. Rogers
Harris. of Ochiltree.
Holloway. Vaughan.

Absent—Excused

Calvert. Lotief.
Harrison. McDougald.
Johnson. Reader.
of Dimmit. Savage.
Jones of Atascosa. Stubbeman.

TO PROVIDE FOR ADJOURNMENT SINE DIE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 1, To provide for adjournment sine die.

Whereas, The Forty-third Legislature has been convened into extraordinary session; and

Whereas, The business for which the session has been convened can and should be completed within ten days; and

Whereas, The citizens and taxpayers of Texas should not be subjected to the expense incident to a thirty-day session, due to the unwholesome economic condition that prevails; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the date of adjournment of the Second Called Session of the Forty-third Legislature be, and is hereby, set for 12 o'clock noon, February 10, 1934.

The resolution was read second time.

Mr. Moore moved that the resolution be laid on the table.

Mr. Mathis moved that the resolution be adopted.

Mr. Van Zandt moved that the resolution be laid on the table subject to call.

Question first recurring on the motion to table the resolution, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—59

Adamson.
Anderson.
Atchison.
Baker.
Barrett.
Barron.
Bradley.
Celaya.
Clayton.
Colson.
Crossley.
Daniel.
Davidson.
Dunagan.
Dwyer.
Fuchs.
Golson.
Good.
Goodman.
Greathouse.
Griffith.
Harris.
Hartzog.
Hill.
Hodges.
Holekamp.
Holland.
Holloway.
Hoskins.
Hunter.
Jackson.
Jefferson.
Jones of Shelby.
Kyle of Palo Pinto.
Lange.
Leonard.
Long.
Mackay.
Magee.
McCullough.
McGregor.
Merritt.
Morse.
Patterson.
Pope.
Ramsey.
Reed of Dallas.
Renfro.
Rogers.
of Ochiltree.
Rollins.
Russell.
Scarborough.
Stanfield.
Stovall.
Tennyson.
Thomas.
Townsend.
Weinert.
Young.

Nays—66

Aikin.
Alexander.
Alsup.
Beck.
Bedford.
Bergman.
Bourne.
Burns.
Camp.
Canon.
Cathey.
Cowley.
Dean.
Devall.
Dunlap.
Engelhard.
Fain.
Ford.
Glass.
Graves.
Hankamer.
Head.
Hicks.
Huddleston.
Hughes.
Hunt.
Hyder.
James.
Jones of Runnels.
Kayton.
Kyle of Hays.
Lindsey.
Mathis.
McKee.
Metcalfe.
Mitcham.
Moffett.
Morrison.
Munson.
Nicholson.
Palmer.
Parkhouse.
Pavlica.
Puryear.
Ratliff.
Ray.
Reed of Bowie.
Riddle.
Roark.
Roberts.
Rogers of Hunt.
Scott.
Shannon.
Shults.
Smith.
Stinson.
Tarwater.
Tillery.
Turlington.
Van Zandt.
Vaughan.
Wagstaff.
Walker.
Wells.
Winningham.
Wood.

Absent

Butler.	Johnson
Caven.	of Anderson.
Chastain.	Laird.
Coombes.	Latham.
Duvall.	Lemens.
Fisher.	Moore.
Harman.	Steward.

Absent—Excused

Calvert.	Lotief.
Harrison.	McDougald.
Hester.	Reader.
Johnson	Savage.
of Dimmit.	Stubbeman.
Jones of Atascosa.	

Question recurring on the motion of Mr. Van Zandt, that the resolution be laid on the table subject to call, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—80

Adamson.	Jackson.
Alexander.	James.
Anderson.	Jefferson.
Atchison.	Johnson
Baker.	of Anderson.
Barrett.	Jones of Runnels.
Barron.	Jones of Shelby.
Beck.	Kyle of Palo Pinto.
Bergman.	Lange.
Bourne.	Leonard.
Bradley.	Lindsey.
Cathey.	Long.
Caven.	Mackay.
Celaya.	Magee.
Clayton.	McCullough.
Colson.	McKee.
Crossley.	Merritt.
Daniel.	Mitcham.
Davidson.	Morse.
Dunagan.	Patterson.
Dwyer.	Pope.
Engelhard.	Ramsey.
Fisher.	Reed of Dallas.
Fuchs.	Renfro.
Golson.	Rogers
Good.	of Ochiltree.
Goodman.	Russell.
Graves.	Scarborough.
Greathouse.	Stanfield.
Griffith.	Stinson.
Hankamer.	Stovall.
Harris.	Tarwater.
Hill.	Tennyson.
Hodges.	Thomas.
Holekamp.	Townsend.
Holland.	Turlington.
Holloway.	Van Zandt.
Hoskins.	Walker.
Hunt.	Weinert.
Hunter.	Wood.
Hyder.	Young.

Nays—49

Aikin.	Morrison.
Alsup.	Munson.
Bedford.	Nicholson.
Burns.	Palmer.
Camp.	Parkhouse.
Canon.	Pavlica.
Cowley.	Puryear.
Dean.	Ratliff.
Devall.	Ray.
Dunlap.	Reed of Bowie.
Fain.	Riddle.
Ford.	Roark.
Glass.	Roberts.
Hartzog.	Rogers of Hunt.
Head.	Rollins.
Hicks.	Scott.
Huddleston.	Shannon.
Hughes.	Shults.
Kayton.	Smith.
Kyle of Hays.	Tillery.
Latham.	Vaughan.
Mathis.	Wagstaff.
McGregor.	Wells.
Metcalfe.	Winningham.
Moffett.	

Present—Not Voting

Steward.

Absent

Butler.	Harman.
Chastain.	Laird.
Coombes.	Lemens.
Duvall.	Moore.

Absent—Excused

Calvert.	Lotief.
Harrison.	McDougald.
Hester.	Reader.
Johnson	Savage.
of Dimmit.	Stubbeman.
Jones of Atascosa.	

TO GRANT SAM TOBOLOWSKY AND JAMES GRIPEOTIS PER- MISSION TO SUE THE STATE

Mr. Parkhouse offered the following resolution:

H. C. R. No. 11, To grant Sam Tobolowsky and James A. Gripeotis permission to sue the State.

Whereas, During the year 1932, Sam Tobolowsky and James A. Gripeotis, were damaged by the State Highway Commission by virtue of the construction of State Highway No. 6 and Federal Highway No. 75, which runs between the City of Dallas and the City of Vickery, over the property of which said Tobolowsky and Gripeotis had a leasehold estate at Vickery Dining Hall, Vickery,

Texas, from September 15, 1931, to September 15, 1932, and which they claim destroyed the value of such lease, the State Highway Commission obstructing the only avenue of ingress and egress to and from their premises;

Whereas, The State Highway Commission contends that suit cannot be maintained against said State Highway Commission without permission from the Legislature of the State of Texas; and

Whereas, Although the Legislature of the State of Texas does not admit that the said petitioners have a valid or just claim against the State Highway Commission, it is the sense of this Legislature that no citizen of this State, who has a valid or just claim against the State Highway Commission or the State of Texas, shall be deprived of his opportunity to establish or enforce such claim by reason of any constitutional inhibition; and

Whereas, Said Sam Tobolowsky and James A. Gripeotis, have never been compensated by the State Highway Commission for the damages to their lease; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That Sam Tobolowsky and James A. Gripeotis be, and hereby are, granted permission to bring suit against the State Highway Commission and the State of Texas, in Dallas County, in order to determine compensation for damages received, if any they can show, and that service of citation or other necessary process may be had upon the Highway Commission and the Attorney General with the same force and effect as in civil cases.

The resolution was read second time.

On motion of Mr. McKee, the resolution was referred to the Committee on State Affairs.

HOUSE JOINT RESOLUTION NO. 1 ON SECOND READING

The Speaker laid before the House, on its second reading,

H. J. R. No. 1, Ratifying an amendment to the Constitution of the United States of America, passed by the Sixty-eighth Congress of the United States of America, at its First Session, begun and held at the City of Washington on Monday, the third day of December, one thousand nine hundred and twenty-four, which amend-

ment, in substance, grants power to the Congress to limit, regulate, and prohibit the labor of persons under eighteen years of age, and expressly leaves unimpaired the power of the several States, except that the laws of said State shall be suspended to the extent necessary to give effect to legislation enacted by Congress.

The resolution was read second time.

Mr. Parkhouse moved the previous question on the passage of the resolution, and the motion was not seconded.

House Joint Resolution No. 1 was then passed to engrossment by the following vote:

Yeas—73

Adamson.	Latham.
Anderson.	Lemens.
Barrett.	Magee.
Bergman.	Mathis.
Bourne.	McCullough.
Bradley.	McKee.
Butler.	Metcalfe.
Camp.	Moffett.
Cathey.	Morrison.
Chastain.	Morse.
Clayton.	Nicholson.
Daniel.	Parkhouse.
Davidson.	Patterson.
Dean.	Pavlica.
Dwyer.	Pope.
Glass.	Ratliff.
Golson.	Ray.
Graves.	Reed of Dallas.
Greathouse.	Renfro.
Griffith.	Roark.
Hankamer.	Roberts.
Head.	Rogers of Hunt.
Hester.	Rogers
Hill.	of Ochiltree.
Hodges.	Rollins.
Holland.	Smith.
Holloway.	Stanfield.
Hughes.	Stinson.
Hunt.	Tarwater.
Hunter.	Tillery.
Hyder.	Turlington.
Jackson.	Vaughan.
Jefferson.	Wagstaff.
Johnson	Wells.
of Anderson.	Winningham.
Kayton.	Wood.
Laird.	Young.
Lange.	

Nays—49

Aikin.	Beck.
Alexander.	Bedford.
Alsup.	Burns.
Atchison.	Canon.
Baker.	Cowley.
Barren.	Crossley.

Dunagan.	Merritt.
Fain.	Mitcham.
Fisher.	Munson.
Ford.	Palmer.
Fuchs.	Puryear.
Good.	Reed of Bowie.
Goodman.	Riddle.
Hartzog.	Russell.
Holekamp.	Scarborough.
Hoskins.	Scott.
Huddleston.	Shannon.
James.	Shults.
Jones of Runnels.	Stovall.
Jones of Shelby.	Tennyson.
Kyle of Hays.	Townsend.
Kyle of Palo Pinto.	Van Zandt.
Lindsey.	Walker.
Mackay.	Weinert.
McGregor.	

Absent

Caven.	Harris.
Celaya.	Hicks.
Colson.	Leonard.
Coombes.	Long.
Devall.	Moore.
Dunlap.	Ramsey.
Duvall.	Steward.
Engelhard.	Thomas.
Harman.	

Absent—Excused

Calvert.	Lotief.
Harrison.	McDougald.
Johnson	Reader.
of Dimmit.	Savage.
Jones of Atascosa.	Stubbeman.

Reasons for Vote

We are in favor of a State child labor law that would fit our special local conditions, but in voting against this resolution we desire to go on record as being opposed to any further surrender of our State Rights to the Federal Government.

HARTZOG,
BARRON.

RELATIVE TO CERTAIN SECURITIES, ETC., LEFT WITH STATE TREASURER

Mr. Pope offered the following resolution:

H. C. R. No. 12, Concerning certain documents, etc.

Whereas, By Chapter 165, page 280, Acts of the Forty-second Legislature, Regular Session, it is provided all bonds, notes, certificates, debentures, or other obligations sold in Texas by the corporations therein named, shall be secured by deposit with a trustee as provided in said

Act, of securities of the reasonable market value equaling the value of such bonds, notes, certificates, debentures or other obligations; and

Whereas, It is further provided in Section 7 of said Act that "All cash or securities left with the State Treasurer in compliance with Article 696, Revised Civil Statutes of 1925, shall be considered a part of the collateral required under this section"; and

Whereas, Issuers of the obligations named are being required by the trustees provided for in said Act, to deposit with such trustees, securities of the full value as required by said Act, and the State Treasurer, the Comptroller and the Commissioner of Banking have construed the said Act to require that all securities deposited with the State Treasurer under said Article 696 shall remain so deposited, notwithstanding deposit with the trustees of securities of the value of the obligations sold, thereby requiring a greater burden than was intended to be imposed by said Act, resulting from the combined deposits exceeding such value; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That in all cases where it be shown that the securities deposited with the trustee are of the value of the obligations of a depositor or issuer, the Comptroller of Public Accounts shall issue the necessary warrant, and thereupon the State Treasurer shall deliver to such approved trustee all securities of such depositor which are deposited with the Treasurer under said Article 696.

The resolution was read second time.

On motion of Mr. Lemens, the resolution was referred to the Committee on Banks and Banking.

ADJOURNMENT

On motion of Mr. Dunagan, the House, at 12 o'clock m., adjourned until 10 o'clock a. m., next Monday.

APPENDIX

STANDING COMMITTEE REPORTS

The Committee on State Affairs filed a favorable report on House Bill No. 13.